Supreme Court, U. S.
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In the

SUPREME COURT OF THE UNITED STATES

October Term, 1979

No. 79-1606

James E. Carter, Jr.,
Appellant,

vs

City of Kansas City, Missouri,
Appellee.

On Appeal from the Supreme Court
of the State of Missouri

JURISDICTIONAL STATEMENT

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April, 1980

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No. _____

James E. Carter, Jr.,
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City of Kansas City, Missouri,
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JURISDICTIONAL STATEMENT

Appellant contends that the application of the City's Occupational License Tax on a natural citizen as a revenue tax violates the guarantee of Liberty as secured by the Preamble, the Fifth Amendment, and the Fourteenth Amendment of the U.S. Constitution.

OPINION BELOW

The Opinion of the Court of Appeals, Western District, State of Missouri, unreported at this time, is appended. The Order denying Motion for Rehearing and Motion for Transfer is appended.

The Order of the Supreme Court of Missouri denying Application for Transfer is appended.

PROCEDURAL GROUNDS FOR JURISDICTION

The Circuit Court of Jackson County, Missouri, sitting without a jury, on trial de nova, found the appellant guilty of doing business in the City of Kansas City, Missouri, without having purchased/paid the Occupational License Tax (a misdemeanor) in violation of City Ordinance 21.20 on July 14, 1978.

The Opinion of the Court of Appeals affirmed the judgment of the trial court on October 29, 1979. Motions for Rehearing and for Transfer to the Supreme Court of the State of Missouri were denied on December 3, 1979.

The Application for Transfer filed in the Supreme Court of the State of Missouri was denied on January 15, 1980. Motions for rehearing are not filed.

Notice of Appeal to the Supreme Court of the United States was filed in the Court of Appeals on January 25, 1980.

This Appeal is being docketed in the Court within 90 days from the denial of Application for Transfer. The jurisdiction of this court is invoked under 28 USC 1257 (2).

The possibility that the Opinion may not have construed federal rights is insufficient grounds for denial of this appeal. The Opinion briefly mentions "constitutional prohibition" and such a statement may be taken as construing the state constitution, notwithstanding the fact that the Court of Appeals does not have appellate jurisdiction to construe the state constitution. See page 7a. The necessary effect of the Opinion is to deny the federal claim and is as subject to review as an express decision on the point. Street v. New York, 394 U.S. 576, 582; Chambers v. Mississippi, 410 U.S. 284, 290.

The denial of Application for Transfer, if used as an evasion of the court's jurisdiction to construe a

properly presented federal claim, does not negate the opportunity to appeal such a decision on federal ground. Rogers v. Alabama, 192 U.S. 226, 230-231. Where the federal issue has expressly or by clear intendment been "brought to the attention of the State court with fair precision and in due time" it can be appealed if the issue is not adjudicated below. New York ex rel. Bryant v. Zimmerman. 278 U.S. 63, 67.

City ordinance 21.20 authorizing the occupational license tax is appended. Constitutional and statutory provisions involved are also appended.

QUESTION PRESENTED BY APPEAL

The appellant contends that the city ordinance requiring a natural citizen (as distinguished from a corporation) to purchase a city occupational license to pursue business (imposed as a revenue tax and not as a regulatory tax) infringes on and violates the federal right of Liberty secured by the Preamble, the Fifth Amendment, and the Fourteenth Amendment and is therefore unconstitutional as applied.

It is believed that a fair hearing of this question, and the briefs, must address the following questions that have not produced a response below:

1. Is the nature of the occupational license tax the purchase of the privilege to pursue business?
2. Does the federal guarantee of liberty include the right for an individual to pursue any non-regulated lawful livelihood or avocation, to make a living, and to enter and fulfill contracts for economic gain?
3. Is the license (permission) that is being sold by the city the same as the secured federal right of liberty?
4. If the above is affirmative, can a person be required to purchase that which is already his?
5. Is liberty a basic fundamental right?

6. If so, can a basic fundamental federal right be a proper subject for a revenue tax levied by the city?

Appellant also requests permission to submit an auxiliary typewritten brief to this court as respondent superior pursuant to Canon 3, B, (3), Code of Judicial Conduct, to review a supplementary question raised in appellant's Brief and in the Reply below that was not addressed below.

STATEMENT OF THF CASF

The appellant was served an information for "doing business without an occupation license" on or about April 6, 1978. A special appearance was made in the Municipal Court of Kansas City to challenge jurisdiction on May 10, 1978.

The appellant attempted to remove the issue to federal district court on the contention that the issue was a federal question and that an issue of federal constitutional rights should not be adjudicated in the municipal court. During this process, an "Original Answer and Counterclaim" was filed in the district court and was served on municipal court on June 12. T. 82. The removal attempt was unsuccessful.

Appellant was found guilty in municipal court on June 14, 1978.

Trial de nova was held in circuit court during an initial appearance on July 14, 1978. The appearance of the appellant was to determine the status of the "Original Answer and Counterclaim" believed to have been previously entered in this case. Appellant declared that he was not prepared for trial. T 25, L 3. The appellant was found guilty and fined that day. No challenge has been raised on appeal as to irregularity of court procedure or adequacy of evidence to support conviction. The fine was reiterated during a hearing on post-trial motions on September 14, 1978.

The allegation that the tax is applied as a revenue tax and not as a regulatory tax was made in appellant's Brief (p 15) filed in the Court of Appeals and was not challenged by respondent. A defense not briefed is a defense waived. This potential defense was again expressly waived by respondent during oral arguments. The only issue raised on appeal is that the ordinance infringes on the federal constitutional right of liberty as secured by the Fifth and Fourteenth Amendments.

A FEDFRAL QUFSTION WAS RAISED

It is believed that the juxiposition of appellate jurisdiction in the Court of Appeals is sufficient to show that the issue presented has been accepted as a federal question. The Missouri Constitution, Article V, Section Three, was amended in 1976 to transfer appellate review for construing the federal constitution from the Supreme Court to the Court of Appeals. Appellate jurisdiction for construing the state constitution is still retained by the Supreme Court. See page 7a. Notice of Appeal from circuit court was erroneously directed to the Supreme Court and was transferred to the Court of Appeals by Order dated February 16, 1979, after the transcript had been received in the Supreme Court.

In addition, the Opinion quotes the appellant during trial to assert "...liberty as secured by the Preamble of the United States Constitution..." and that the defense consists of "only constitutional defenses." Subsequent pleadings after Opinion have preserved and renewed the same federal defense on all occasions.

In the event that the above is deemed inconclusive to show a federal question has been presented and maintained, the record will show that the appellant has relied exclusively on federal case citations when presenting the merits of the constitutional defense and

that the federal constitutional right to liberty as secured by the Fifth and Fourteenth Amendment is clearly discernable, and is usually stated explicitly, in the following documents contained in the transcript and record:

1. A Motion to Dismiss for Lack of Jurisdiction filed in municipal court on April 26, 1978, clearly asserts a federal right to liberty. T 6, 7.

2. A Petition for Removal filed in U.S. District Court on June 5 presents a "direct challenge to the constitutionality of the enforcement of the city occupational license tax..." with four pages of U.S. Supreme Court citations construing the federal right to liberty. T 8 - 13. (Case No. 78-0406-CV-W-4.)

3. An Original Answer and Counterclaim filed in district court and served on the municipal court on June 12 (T 82) was filed/refiled by leave of the circuit court during trial. T 14 - 21. The pleading repeatedly contains "U. S. Constitution", "Liberty", and references to federal rights. It asserts the ordinance infringes on these rights and is unconstitutional. This defense was explicitly denied. T 71, L 7.

4. During trial, the only defense presented was on U.S. Constitutional grounds as previously submitted in written pleadings. T 70, L 5; T 71, L 23; T 72, L 16. This defense was denied. T 71, L 7; T 73, L10.

5. Appellant's Motion for New Trial asserts U.S. Constitutional rights as previously presented in pleadings. T 79. The Motion was overruled. T 101, L 14.

6. During allocution, the appellant asserted the federal constitutional right to liberty was being violated by the city ordinance. T 104, L 14.

7. The Notice of Appeal from circuit court clearly declares the U.S. Constitutional right to liberty in the Preamble, the Fifth, and the Fourteenth Amendment is the defense of the appellant. T 106.

8. Appellant's Brief filed in the Court of Appeals presents the U.S. Constitutional right of liberty as the only defense. The same defense was orally presented and recognized by the court. The Brief contains a direct challenge to the ordinance on page 28.

9. Appellant's Reply Brief restates the direct attack on the ordinance. p 7.

10. The Motion for Rehearing filed in the Court of Appeals on November 9 clearly asserts federal constitutional rights.

11. The Motion for Transfer also filed on November 9 clearly states the defense is based on a "Federal right" to "liberty."

12. The Application for Transfer filed in the Supreme Court of Missouri on December 17, 1979, clearly asserts the "Federal Constitutional Right" to "Liberty" and requested a re-examination of the existing city ordinance.

THF FEDERAL QUESTION IS SUBSTANTIAL

It is believed that the legal answers to the 'Question Presented on Appeal' are so well recognized that extensive citations would be an insult to this learned court and would add little to this Statement. The briefs and pleadings below contained voluminous citations of pertinent holdings by the U.S.Supreme Court of which the following are only representative:

1. An occupational license tax is the purchase of the privilege to pursue business. American Manufacturing Co. v St. Louis, 250 US 459; Northwestern States Portland Cement Co. v Minnesota, 358 US 450.

2. The fundamental right to liberty includes the right to make a living and pursue a livelihood. Green v McElroy, 360 US 474; Truax v Raich, 239 US 33, 41.

3. A basic fundamental federal right is not a suitable basis for a revenue tax. Murdock v Pennsylvania, 319 US 105, 113; U.S. v Texas, 252 F. Sup. 234, affirmed 384 US 155.

Correspondingly, it is the importance rather than the legality of this issue that must be conveyed to this court.

The question that is brought before this court is an issue that was influential in the penning of the Declaration of Independence and the resultant establishment of a free and sovereign United States of America. Our forefathers declared that liberty is an inalienable right, a gift from the Almighty, and that it is the purpose of government to protect and secure that heritage. When the Constitution was being formulated, our forefathers succinctly declared in the Preamble that a purpose for the constitution was to "secure the blessings

of liberty to ourselves and our posterity..." and this liberty has been repeatedly adjudicated to include the right to make a living. The sanctity of this right was instrumental in forbidding the City of Evansville from denying an occupational license to a plumber and thereby preventing his pursuit of a livelihood. White v Evansville, 310 F Sup. 569.

The challenge presented here is as novel and unique to this court as it is simple and straightforward. This court is burdened with litigation of occupational license tax cases that have been brought by corporations but there is a complete absence of any U.S. Supreme Court case that construes the constitutional rights of an individual. Corporations which have no federal claim to liberty obviously cannot plead such a right for an individual. Seldom does an individual endure the trauma of litigation, or the expense, to carry a challenge to a small tax to this level. It is so much easier to compromise principles, to buy relief at a small price, and enjoy leisure time.

But times are changing and this challenge will reoccur. This is an era in which individuals are being exposed to additional economic burdens and regulations at an alarming rate. They are being compelled to protect themselves by learning their legal rights. Even today, legal awareness seminars are available from non-lawyers. Knowledge of basic federal constitutional rights is being acquired by potential litigants. The cost of compromising one's principles may some day reach the break-even point with the cost of suffering the consequences of sustained litigation, or other punishment. It is assured that if the issues raised herein are not adjudicated at this time, they will be presented again, possibly by others. History reveals that our forefathers attempted to obtain justice within the judicial system for many years.

The benevolence of man has been a hallmark of civilization and for many years entrepreneurs have willingly supported the government because they felt a moral obligation and had the economic means to so do. The support of government has ceased to be charity and has now become exploitation to support an ever-increasing economic burden that history documents to have destroyed every great civilization that ever existed. Individuals in business are increasingly being called upon to provide more earnings for government than they provide for owners. Acts of gratuity have been replaced with a fight for economic survival. Historically, if relief is not readily obtainable, desperation swells the ranks. The price of justice, and the consequences of denial, escalates. King George would have done well to heed the lamentations from the colonies.

The question presented is a question of sovereignty; the power to impose a tax on a constitutional right and also the power to control a constitutional right. It is the question of whether "We the people..." established a government to protect or to control the people. It has been declared that the effects of a tax are of no concern to this court, but that this court is concerned only with the power to tax, and if the power exists, the effects must fall where they will. This court has repeatedly upheld the validity of a tax even when it resulted in the destruction of the economic endeavor, provided the power to levy the tax existed. This appeal is a continuation of a challenge to the power of the city to impose a tax on a secured basic fundamental federal right that was presented before trial in municipal court. The power to tax is the power to destroy, and allowing this tax to exist jeopardizes a cornerstone of the United States Constitution and of the American way of life.

It is well established that a license is permission to do that for which the license is issued. Can it be that our forefathers established a system of government that would be allowed to sell permission to make a living? Definitely not. "Our system is that every farmer and every craftsman shall be encouraged to produce by the certainty that he will have free access to every market in the nation." Hood & Sons v Dumond, 336 US 525, 539. The specific guarantee of a 'republic' form of government in Article IV, Section Four, of the U.S. Constitution is totally inconsistent with any concept of government control of an individual's opportunity to make a living. There are many forms of government that espouse control of an individual's livelihood but a republic, by definition, cannot be included in that list.

It is not insignificant that a mere license is always revocable. Witness the recent case of White v City of Evansville, 310 F. Sup. 569, where the city denied a permit/license to an individual and thereby denied him pursuit of his livelihood. Litigation had to be initiated to allow the man to make a living. The court declared that denial of a livelihood constituted a deprivation of liberty and property. cf. Smith v Texas, 233 US 630. The stark awareness that the opportunity to make a living may be at the discretion of a local government is awesome.

It is surely not an overstatement that the opportunity to make a living, or even simple daily activities, is erroneously believed to be within the control of the local taxing authority. Even the word 'occupations' has taken on alarming implications. The case of U.S. v Lewisburg Schools, 539 F2d 301, adjudicated an occupational tax imposed on housewives. It is unbelievable. House-wives clearly refers to a marital relationship. My wife, just to stay home and raise child-

ren, would have to pay a tax if we lived in Lewisburg? Perhaps this interpretation of 'housewives' is to be enforced at some future time if not now. Is this permission to be, or to have, a housewife removed if the tax is not paid?

The ordinances of Kansas City make it indisputable that the intent of the license tax is to deny an individual from pursuing a livelihood, by police power, unless the tax is paid and the individual complies with the wishes of the city fathers as written in the ordinances. The Kansas City ordinances relating to the Occupational License tax include the following:

"Section 21.24 GENERAL DUTY OF POLICE
It shall be the duty of the police to prevent any person commencing, carrying on, or conducting any business, trade, calling, amusement or entertainment or other thing for which a license is required by ordinance without first procuring from the city a license therefor. It shall be the duty of the police to report to the proper authorities of the city all violations thereof, to make arrests and to cooperate with the commissioner of revenue and other officials of the city in a strict enforcement of the provisions of all license laws and ordinances."

Sections 21.26 and 21.27 relate to the methods and procedures for suspending and revoking the license. Section 21.21 (b) declares that an individual must relinquish his Fifth and Fourth Amendment federal right to privacy of books and records upon the purchase of this license. Can an individual be forced to relinquish one federal right in order to retain another? Section 21.4 (a) declares that the license will be issued only after the city personal tax, merchants tax, and "charges for sewer connections lawfully due shall have been paid." If these conditions are justifiable infringements

on a federal right, what additional encroachments will be added next year? Of what value is a right if it can be emasculated by provisos?

If a city can impose such a tax and restriction, it is only a matter of time before the county, and the state, in the never-ending search for additional revenue and controls, imposes similar provisions. We can witness the prolific spread of sales taxes, income taxes, zoning regulations, etc. Is it inconceivable that the entire state may eventually require a license to pursue business? I believe not.

Even if there is no tax involved, it is the power to control and the potential lawful denial of an individual's right to make a living that must be recognized as a substantive issue of monumental proportions. An individual who falls out of favor with city hall can easily face harrassment by revocation of his license to make a living. Of what value is life without a way to provide food for the body? cf Smith v Texas, 233 US 630.

The issue presented herein is one of the issues that precipitated penning the Declaration of Independence. Our forefathers, harrassed by the Crown in the pursuit of their livelihood by innumerable taxes and regulations, clearly declared that the purpose of a lawful government is to protect the citizen's life, liberty, and pursuit of happiness. They declared that these objects are not gifts of any government, but are inalienable rights given by the Creator and that as such, it is the responsibility of the government to protect and secure these objects for the citizens. Are gifts from the Creator now subject to tax? Surely these objects can not properly be the basis for a privilege (excise) tax. This protection should be clearly evident from the Preamble of the Constitution. The guarantee of liberty

was further incorporated in the Fifth Amendment when the citizens felt insecure, and was again renewed and applied to the states by the Fourteenth Amendment. Can an individual now acquire a criminal record for pursuing a federal right? Surely the guarantee of liberty has lost none of its import by the passage of a mere 200 years. Hopefully the guarantee can be renewed at a more modest price than was paid by our forefathers.

The citations in the discussion of the merits within the Opinion of the Court of Appeals have been analyzed in the Motion for Rehearing. In review, American Manufacturing Company, Incorporated, v St. Louis, 256 US 459, clearly holds that the occupational license tax is lawful "unless federal right be shown." Federal right has been continually shown. Carmichael v Southern Coal and Coke, 301 US 495, does not adjudicate individual's rights; it involves two corporations and a tax on the employee-employer relationship. No claim of a constitutional right to be an employer/employee has been made in this case. 71 Am Jur 2d, State & Local Taxation 392, discusses the method of calculating a franchise (privilege) tax but does not discuss the the propriety of the imposition. People v Bates, 93 NYS2d 313, is not a holding case in Missouri nor does it construe liberty.

The Opinion also mentions a Motion for New Trial/ Verdict filed on September 5 that appears on page 86 of the Transcript. Pages 86 thru 97 of the Transcript have been acknowledged by both parties as not presented or filed in this case. (Ref: Motion to correct the Record filed in the Court of Appeals on January 25, 1980). A Motion for New Trial filed in this case on July 18 appears at page 76 of the Transcript.

CONCLUSION

For these reasons, the Court should note probable jurisdiction of this appeal.

Respectfully submitted,

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JUDGMENT OF THE CIRCUIT COURT

The Circuit Court of Missouri, Sixteenth Judicial Circuit, Division Number four, City of Kansas City, Missouri, vs. James E. Carter, Jr., case number MA 78-0836, entered the following Order/Judgment in the office of the Court Administrator on July 14, 1978:

Charge--Doing business without license.
Ordinance No. 21-20.

Plea--Not guilty.

Judgment/Findings--Evidence heard. Court finds defendant guilty and assesses punishment. Punishment: Fine $100.00. Costs against defendant.

The above is found at page 74 of the transcript.

The above Order/Judgment was reiterated during allocution on September 14, 1978, as recorded at page 105 of the transcript.

OPINION OF THE COURT OF APPEALS

The following Opinion was filed in the Missouri Court of Appeals, Western District, in the case of City of Kansas City, Missouri, vs. James E. Carter, Jr., case number WD 30751, on October 29, 1979:

Defendant James E. Carter, Jr., was convicted in the Municipal Court of Kansas City, Missouri, of doing business without an occupation license, a violation of Kansas City's municipal ordinance, Section 21.20, Code of General Ordinances. His punishment

was assessed as a fine of $100. A trial upon appeal to the Circuit Court of Jackson County had the same result, and an appeal from the judgment in the latter court brings the case to us.

Defendant has acted pro se throughout.

Defendant does not deny that he operated in Kansas City, Missouri, during the period in question, the calender year 1978, a business known as Cheshire Bed Company, engaged in the manufacture of "vertically stored beds". He does not deny that the ordinance under which he was charged was in full force and effect, nor that he failed, in violation of its terms, to purchase the license.

His claim upon appeal is, first,that the trial court "denied him an opportunity to properly prepare a defense on constitutional grounds".

This complaint evidently refers to the defendant's request, made after the City had rested its case, as follows:

> "With the permission of the Court, I would like to have the opportunity to submit Xeroxed copies of some information which I do not have available to submit to the Court at this time. It includes case citations regarding liberty as secured by the Preamble of the United States Constitution, case citations whereby the rights of an individual are not subject to taxation."

The defendant, after the court explained what constituted evidence, had declined to present any evidence, saying he wished to present "only constitutional defenses".

The court declined to defer his judgment in the case, but proceeded to find defendant guilty and to assess the fine already mentioned.

The trial court was not obliged to await defendant's brief or "Xeroxed information" and was well within his discretion in proceeding to announce his findings. Kwiechien v. Gordon, 365 A.2d 118, 121 (Conn. 1976); Annot., 86 A.L.R. 2d 1233 (1962).

Defendant afterwards on September 5, filed his "Motion for New Trial/Verdict" which was accompanied by "Supplementary Suggestions to Defendant's Motion to Dismiss". In the latter document, he advanced an argument based upon the Fifth Amendment to the Constitution of the United States, that he could invoke the privilege against self-incrimination to withhold his business books and records from audit by the city auditors. Attached thereto were some photocopied pages from Am. Jur.2d. The court stated upon the hearing on the motion for new trial on September 14, that he had read the same. The defendant said he had nothing more to offer. The court thereupon overruled the motion for a new trial.

The motion for a new trial and the hearing thereon gave the defendant an opportunity to present any arguments he believed the court had failed to consider on the trial. Perhaps the material he presented upon the hearing on the new trial motion was that which he had asked at the trial to be allowed time to submit.

Defendant's brief here also contains several abstract statements of constitutional law, which preserve nothing for review. Rule 84.04 (d); Brewer v. Blanton, 555 S.W.2d 381, 386 (Mo. App. 1977).

The court has ex gratia examined defendant's criticisms of the city ordinance and notes that there is no constitutional prohibition of a municipal corporation's laying an occupation license tax on businesses, measured by gross receipts, pursuant to authority granted by the state. Carmichael v Southern Coal & Coke Co., 301 U.S. 495, 508-9 (1937); American Mfg. Co. v City of St. Louis, 250 U.S. 459, 463 (1919); People v Bates, 93 N.Y.S. 2d 313, 315 (1949); 71 Am Jr.2d, State & Local Taxation, section 392 (1973). State authority is contained in Section 92.040, RSMo 1978, and Article I, Section 57 of the City Charter of the City of Kansas City. None of defendant's cases hold that the power does not allow taxing individual proprietorships as well as corporations.

The judgment is affirmed.

All concur.

REHEARING/TRANSFER

The following information from the Court of Appeals, dated December 3, 1979, regarding case number 30751 was received by postcard:

> Appellant pro se Motion for rehearing overruled. Transfer to Supreme Court denied. See Rule 83.03.

ORDER DENYING APPLICATION FOR TRANSFER

The following Order from the Supreme Court of Missouri in the case of City of Kansas City, Missouri, vs. James E. Carter, Jr., case number 61846, was entered of record on January 15, 1980:

> Now at this day, on consideration of appellant's Application to transfer the above entitled cause from the Western District Court of Appeals, it is ordered that said application be, and the same is hereby denied.

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

The following Notice of Appeal was filed in the Court of Appeals, Western District, State of Missouri, in the case of City of Kansas City, Missouri, vs. James E. Carter, Jr., number 30751, on January 25, 1980:

> Notice is hereby given that James E. Carter, Jr., the Appellant named above, hereby appeals to the Supreme Court of the United States from the final judgment of the Supreme Court of the State of Missouri that denied an Application for Transfer on January 15, 1980.
>
> This appeal is taken pursuant to 28 USC 1257 (2).

A notarized affidavit of service dated January 25, 1980, was attached.

KANSAS CITY ORDINANCE No. 21.20

The following is Kansas City's municipal ordinance Section 21.20, Code of General Ordinances:

> Sec. 21.20. Doing business without license; false statements in application.
>
> Any person required by this chapter to obtain an occupational license, who shall engage in any business, occupation, pursuit, profession or trade, or in keeping or maintaining any institution, establishment, article, utility or commodity for which such license is required, without first procuring and paying for such license; and every manager, agent, officer or employee of any such person who shall assist any such person in engaging in such unlicensed activity after receiving notice that such person has not procured and paid for such license; and any person, including any such manager, agent, officer or employee, who knowingly makes any false statement in any application for any such occupational license as to any gross annual business, annual gross receipts, gross annual commissions, or as to any other conditions or factors upon which such license fee is or shall be based, shall be guilty of a misdemeanor.

UNITED STATES CONSTITUTIONAL PROVISIONS

The following provisions of the United States Constitution are improperly infringed by the City ordinance:

PREAMBLE

We the People of the United States, in Order to... secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

FIFTH AMENDMENT

No person shall be...deprived of life, liberty, or property...

FOURTEENTH AMENDMENT

...nor shall any State deprive any person of life, liberty, or property...

MISSOURI CONSTITUTION

Article V, Section 3, of the Missouri Constitution as amended August 3, 1976, is as follows:

Jurisdiction of the Supreme Court--The supreme court shall have exclusive appellate jurisdiction in all cases involving the validity of a treaty or statute of the United States, or of a statute or provision of the Constitution of this State, the construction of the revenue laws of this state, the title to any state office and in all cases where the punishment imposed is death or imprisonment for life. The court of appeals shall have general appellate jurisdiction in all cases except those within the exclusive jurisdiction of the supreme court.